



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18<sup>TH</sup> STREET- SUITE 200

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

JUL 26 2006

Ref: 8EPR-N

Nancy Doelger  
Casper Field Office, Bureau of Land Management  
2987 Prospector Drive  
Casper, WY 82600

Re: Draft Environmental Impact Statement for  
the Maysdorf Coal Lease Application,  
Campbell County, Wyoming  
CEQ # 20060203

Dear Ms. Doelger:

The United States Environmental Protection Agency -- Region 8 (EPA) has reviewed the *Draft Environmental Impact Statement for Maysdorf Coal Lease Application*. The DEIS assesses the environmental impacts of lease by application (LBA) tracts submitted by several coal mines located southeast of Gillette, Wyoming. We submit the following comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

EPA's main concern is assuring that air quality in the Powder River Basin (PRB) doesn't exceed the Clean Air Act standards. This coal mine is one of many sources in the PRB contributing to air quality degradation, especially of particulate matter (known as PM<sub>10</sub>), which originates at coal mines.

The Draft EIS presents air quality modeling information disclosing potential cumulative impacts from other reasonably foreseeable development including expanding and new coal mines, coal-fired power plants, and coal bed methane development. Based on this modeling of the cumulative impacts, there is the potential to exceed the National Ambient Air Quality Standards (NAAQS) for PM<sub>10</sub> and some of the increments under the Prevention of Significant Deterioration (PSD) regulations. Air monitoring stations near the proposed Maysdorf tract have not measured exceedances of either the 24-hour or annual PM<sub>10</sub> standard. However, other PM<sub>10</sub> stations in the PRB have shown a number of exceedances of the 24-hour standard, including violations as recently as 2004 at two air monitoring stations. Consequently, both monitoring data and modeling results suggest potentially significant cumulative PM<sub>10</sub> impacts caused by existing development when combined with other reasonably foreseeable future development. We understand that increased activity by operators of coal bed methane projects and drought conditions have contributed to fugitive dust problems and these unregulated activities contribute to the modeled exceedances of the NAAQS.



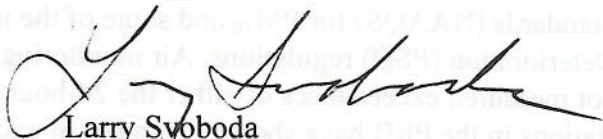
This LBA process is one of several dozen LBAs in the PRB. Between 1992 and 2005, approximately 18 LBAs and other coal land exchanges have been completed in the PRB. It appears that at least nine more LBA processes have been initiated since that time. However, this DEIS is the first in this series to present modeling predictions of cumulative impacts that show the potential to exceed the NAAQS. Potential impacts on air quality from future LBAs and other development will require additional efforts to control point sources and fugitive sources of PM<sub>10</sub> to prevent the PRB from becoming a Clean Air Act non-attainment area.

The FEIS should identify all relevant, reasonable mitigation for air quality impacts, even if they are outside the jurisdiction of BLM. The probability of the mitigation measures being implemented should also be discussed. Furthermore, EPA believes that the FEIS should indicate a path to assure compliance with the PM<sub>10</sub> NAAQS. Specifically, the FEIS should outline both regulatory and non-regulatory processes that are in place to address air quality concerns in the PRB, as well as include all mitigation. We strongly recommend that BLM consider addressing additional source and fugitive dust control by the Casper and Buffalo Field Offices in cooperation with Wyoming DEQ and EPA. We have coordinated these comments with EPA's Regional Air Program and suggest we convene a meeting with BLM, DEQ, and EPA (NEPA and Air) to discuss these issues.

Based on the procedures EPA uses to evaluate the potential effects of proposed actions and the adequacy of the information in the DEIS, the proposed alternative will be listed in the Federal Register in the category EC-2 (EC - Environmental Concerns, 2 - Insufficient Information). This rating means that EPA's review of the proposed actions has identified environmental impacts to air quality that should be avoided in order to fully protect the environment and the DEIS does not contain sufficient information to thoroughly assess environmental impacts that should be avoided to fully protect the environment. Corrective measures may require changes to the proposed action or application of mitigation measures that can reduce the environmental impact, and the inclusion of additional information in the FEIS. Please see the enclosed detailed comments for specifics on our environmental and information concerns.

We appreciate your interest in our comments. If you have any further questions, please contact Weston Wilson of my staff at 303/312-6562.

Sincerely,



Larry Svoboda  
Director, NEPA Program  
Office of Ecosystems Protection  
and Remediation

Enclosure

cc: David Finley, Wyoming DEQ, Cheyenne



**Environmental Protection Agency - Region 8 Detailed Comments  
Draft Environmental Impact Statement for the Maysdorf Coal Lease Application,  
Campbell County, Wyoming**

**Air Quality**

1. The last sentence of the second paragraph of section 3.4.1.1 (page 3-20) includes the following description of the NAAQS and Wyoming Ambient Air Quality Standards (WAAQS): "The NAAQS and WAAQS set the absolute upper limits for specific air pollutant concentrations at all locations where the public has access." The reference to "absolute upper limits" is misleading. BLM's recent Draft EIS for the Pit 14 Coal Lease-by-Application (Black Butte Mine) has the following wording: "The NAAQS and WAAQS are health-based criteria for the maximum acceptable concentrations of air pollutants at all locations to which the public has access." We recommend that the FEIS have similar wording.
2. BLM should bring the information on the NAAQS and WAAQS for particulate matter as PM<sub>2.5</sub> up to date. Section 3.4.2.1 of the DEIS states that "the State of Wyoming will not enforce that standard until EPA has completed its review of the PM<sub>2.5</sub> standard and has determined to retain and enforce the standard as promulgated on July 18, 1997." EPA issued official designations of areas not attaining the PM<sub>2.5</sub> standard on December 17, 2004 and made modifications in April 2005.
3. The cumulative impact analysis should include additional coal and energy development activities. The reasonably foreseeable future activities list on page 4-5 only looks at projects with firm plans. However, it is apparent from the history of the area, current trends, existing infrastructure, and coal and other energy reserves that coal mining and energy development will continue to expand. For example, recently the Wyoming Infrastructure Authority (WIA) announced it was formally soliciting a demonstration of electricity production using the coal gasification technology. The WIA is seeking a public-private partnership to convert PRB coal to electricity using integrated gasification combined cycle (IGCC) technology. WIA is seeking funding from the Department of Energy under the Energy Policy Act of 2005.

BLM should also acknowledge that the 16 active coal mines are in a row from north of Gillette to the David Johnston mine and thus it appears likely that these mines will continue to expand and fill in this area creating a continuous strip of mines and reclaimed mines for approximately 100 miles. Estimating a width of mining of 10 miles, this potential strip of coal mines would cover one thousand square miles. Given the huge scale of energy development in this area, there is a strong potential for permanent large-scale impacts for habitat (fragmentation, loss of vital habitat) ground water, riparian ecosystems, wetlands and



noxious weeds. Area wide air and water quality impacts from such development would also be significant.

This broader cumulative impact analysis should also factor in the likelihood of success of reclamation/mitigation plans for various resources. Mining reclamation works well for restoring some aspects of resources such as grazing livestock and wildlife, and visual aesthetics. Other resource values (e.g., wetlands, groundwater, and unique habitats) may take a long time to return to a full function or may not be restorable at all.

### **Noxious weeds**

Noxious weeds are an increasingly difficult problem on western lands. It appears that with coalbed methane development, noxious weeds will be an increasingly greater problem in the PRB. We note in particular that there are already several weeds identified in the grazing section which are on Wyoming's restricted list (poverty weed) or on other states' lists of noxious weeds (cheat grass). If the drought continues, this area may begin to experience cheat grass/fire cycles forcing out even more desirable plant species. The FEIS should address if additional mitigation is needed to control the spread of noxious weeds and what types of programs are being developed on an area wide basis to prevent the spread of seeds along roads via mining/construction/drilling equipment.

### **Wetlands Mitigation**

The wetlands mitigation plan should be amended to compensate for the long-term loss of wetlands values during and following mining. The mitigation ratios may need to be increased to compensate for the temporal loss of wetlands. Wetlands obviously cease to function during the 10 to 20 years of mining. However, wetlands fed by groundwater will not regain function until the ground water table recovers. We recommend that additional mitigation be established to compensate for the long-term loss of wetland values. The mitigation plans for previous or current reclamation may provide good locations for increasing wetlands in the area. Alternatively, the mining company could improve other wetlands damaged by over grazing, poorly constructed roads or off-road vehicle damage. It is not clear from the DEIS if all wetland impacts will be mitigated. Executive Order 11990 requires that all Federal Agencies protect wetlands. The DEIS implies that reclamation costs may be a factor in determining whether all wetlands will be restored. The FEIS should clarify if all wetlands will be mitigated.

